

REMARKS

I. Scope of Claims.

The instant invention contains claims 1-6, 9, 11-14, 18-21, 24, 28, 30, 31, and 44.

II. Groups

In Paragraph 1 of the pending Office Action, the Examiner set forth a restriction requirement. The Office Action restricts pending claims as follows:

Group I: is drawn to a method of reducing poultry contamination embodied in claims 1-6, 9, 11-14, 18-21, 24, 28, and 31;

Group II: is drawn to a method for food processing or preservation embodied in claim 30;

Group III: is drawn to a method of application for pathogen control embodied in claim 44.

III. Restriction.

Applicants provisionally elect, with traverse, Group I, currently embodied in claims 1-6, 9, 11-14, 18-21, 24, 28, and 31. According to Section 803 of the M.P.E.P., restriction may properly be required between patentably distinct inventions if (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner if restriction is not required. In this case, the entire patent system would be unnecessarily burdened with the additional application required and the duplicative work this restriction demand entails.

Specifically, Applicants respectfully submit that there will not be a serious burden on the Examiner if restriction between the claims is not required because regardless of the claims prosecuted, the field of search for each of the identified species are closely related if not identical and will substantially overlap as the overwhelming majority of the search will be conducted in the same class. A separate field of search is shown to exist only when one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, there is no indication that a separate field of search is required for the disclosed

inventions in groups I-III. Thus, Applicants respectfully contend that there will not be a serious burden on the Examiner if restriction is not required as the classification are so closely related and the field of search is similar and therefore Applicants would respectfully request that this restriction requirement be withdrawn.

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Respectfully submitted,

By: 

John C. Serio, Reg. No. 39,023

Attorney for Applicant(s)

Seyfarth Shaw LLP

Customer No. 71130

World Trade Center East

Two Seaport Lane, Suite 300

Boston, MA 02210-2028

Tel: 617-946-4831

Fax: 617-790-6739

Email: bosippto@seyfarth.com